

AUG 13 1968

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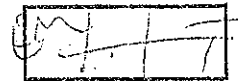
COMMITTEE ON PUBLIC WORKS

WASHINGTON, D.C. 20510

August 12, 1968

ACTION

is assigned to



ACDA

Honorable Dean Rusk
 Department of State
 Washington, D. C. 20520

Dear Mr. Secretary:

Upon the return of Congress in September, the Senate Foreign Relations Committee will consider in executive session the Non-Proliferation Treaty.

During testimony before the Committee on July 12, several questions were asked concerning the relationship of the Non-Proliferation Treaty to the Nuclear Test Ban Treaty and certain Acts of Congress. Under the Constitution the Non-Proliferation Treaty will become the supreme law of the land. It would be most helpful if I could be provided with answers to the following questions:

1. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement, or incorporate by reference any of the provisions of the Nuclear Test Ban Treaty, the Treaty on Outer Space, the Statute of the International Atomic Energy Agency, the NATO Treaty or any of our other mutual defense treaties?

2. Please list the bilateral or multilateral Executive Agreements presently in force which the United States has entered into with other countries pursuant to Chapter 11 of the Atomic Energy Act of 1954, as amended. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any of the provisions contained in these Agreements?

3. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any provisions of federal legislation such as the Atomic Energy Act of 1954, as amended, the EURATOM Cooperation Act of 1958, the International Atomic Energy Agency Participation Act of 1957, the Atomic Energy Community Act of 1955, as amended, or any other relevant Acts of Congress administered by the Commission?

While I recognize that some of the matters raised in these questions are more within the purview of the Atomic Energy Commission than the Department of State, I would appreciate very much your comments where appropriate.

Sincerely, LEGAL ADVISER

John Sherman Cooper

DEPARTMENT OF STATE

8-13-68

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whj DECLASSIFIED BY/RELEASE AUTHORITY:

RICHARD ZORN, SENIOR REVIEWER

U.S. DEPARTMENT OF STATE

RELEASE DECISION: RELEASE IN FULL

DATE: JANUARY 15, 2020

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2